

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 H-02 SS-15

NSC-05 PA-02 PRS-01 USIA-15 /078 W

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 5839

UNCLAS BONN 03286

E.O. 11652: N/A

TAGS: EAIR, GW

SUBJ: CIVAIR - NOTICE OF PROPOSED RULEMAKING

CONCERNING FREE OR REDUCED RATE TRANSPORTATION

TEXT OF SUBSTANTIAL PORTION OF A FOREIGN OFFICE
NOTE, DATED FEBRUARY 7, 1977 WITH THE FRG'S REACTION
TO THE CAB OCTOBER 12, 1976 "NOTICE OF PROPOSED
RULEMAKING" CONCERNING FREE OR REDUCED RATE TRANS-
PORTATION FOR FOREIGN GOVERNMENT SPONSORED PERSONNEL
FOLLOWS:

"THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
WISHES TO REGISTER OBJECTIONS AGAINST THIS PROPOSED
REGULATION INsofar AS IT MAKES THE FREE OR REDUCED
REDUCED RATE TRANSPORTATION OF PERSONS BY THE
DESIGNATED GERMAN AIR CARRIER PURSUANT TO GOVERN-
MENT ORDERS ON SERVICES TO THE UNITED STATES
HENCEFORTH DEPENDENT UPON PRIOR APPROVAL BY THE
US CIVIL AERONAUTICS BOARD. THE FEDERAL GOVERN-
MENT RESERVES THE RIGHT TO ISSUE TO ITS NATIONAL
AIR CARRIER INDIVIDUAL ORDERS--NO GROUP ORDERS--
FOR FREE OR REDUCED RATE INDIVIDUAL TRANS-
PORTATION OF PERSONS OR GOODS BETWEEN THE FEDERAL
REPUBLIC OF GERMANY AND ANY OTHER COUNTRY SERVED
BY THE SAID CARRIER. THESE GOVERNMENT ORDERS MAY
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ONLY BE ISSUED BY A DULY AUTHORIZED OFFICIAL OF
THE GOVERNMENT, NAMELY THE DIRECTOR GENERAL OF
THE CIVIL AVIATION DEPARTMENT IN THE FEDERAL
MINISTRY OF TRANSPORT, OR BY HIS DEPUTY. THIS IS
DULY RECORDED IN THE GERMAN GOVERNMENT RESERVATION
TO IATA RESOLUTION 001, A COPY OF WHICH IS
ATTACHED. AT THE SAME TIME, IT IS CONFIRMED

THEREIN, THAT THE FEDERAL GOVERNMENT WILL ALSO
ACCEPT CORRESPONDING GOVERNMENT ORDERS
ISSUED BY A FOREIGN GOVERNMENT TO ITS NATIONAL
AIR CARRIERS. ONLY ORDERS OF A FOREIGN GOVERN-
MENT TO THE GERMAN AIR CARRIER REQUIRE THE
APPROVAL OF THE FEDERAL MINISTRY OF TRANSPORT.

THE FEDERAL GOVERNMENT HAS EXERCISED ITS
RIGHT TO ISSUE GOVERNMENT ORDERS TO DEUTSCHE
LUFTHANSA AG FOR FREE OR REDUCED RATE TRANS-
PORTATION VERY SPARINGLY. GENERALLY SPEAKING,
THE CASES HAVE BEEN LIMITED TO DUTY TRAVEL IN THE
INTEREST OF AVIATION AND TO TRANSPORTATION PAYABLE
OR SUBSIDIZED FROM FEDERAL FUNDS. IN ANY EVENT,
THE PARTIES ELIGIBLE ARE OBLIGED TO USE THE
NATIONAL AIR CARRIER FOR SUCH TRANSPORTATION.
AN ANALOGOUS RULE HAS BEEN PUT DOWN BY THE
GOVERNMENT OF THE UNITED STATES OF AMERICA. THE
PUBLIC INTEREST OF THE COUNTRIES OF DESTINATION
IS THUS NOT AFFECTED. NOT ONLY FOR THIS REASON,
THE FREE OR REDUCED RATE TRANSPORTATION PURSUANT
TO GOVERNMENT ORDERS SHOULD NOT BE MADE DEPENDENT
UPON PRIOR APPROVAL BY THE US CIVIL AERONAUTICS
BOARD. THE PREVAILING METHOD SHOULD BE RETAINED."
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Message Attributes

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